

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN**

PROMEGA CORPORATION,

Plaintiff,

MAX-PLANCK-GESELLSCHAFT ZUR
FORDERUNG DER WISSENSCHAFTEN
E.V.,

Case No.: 10-CV-281

Involuntary Plaintiff,

v.

LIFE TECHNOLOGIES CORPORATION,
INVITROGEN IP HOLDINGS, INC., and
APPLIED BIOSYSTEMS, LLC,

Defendants.

**PLAINTIFF PROMEGA CORPORATION'S MOTION FOR SUMMARY
JUDGMENT ON COUNTS 1-10 OF THE SECOND AMENDED COMPLAINT
AND ALL DEFENDANTS' COUNTERCLAIMS**

Pursuant to Federal Rule of Civil Procedure 56, Plaintiff Promega Corporation ("Promega") hereby moves the Court for an order granting this Motion for Summary Judgment on Counts 1-10 of the Second Amended Complaint and all Defendants' Counterclaims. (Dkt. #142).

Promega further requests that, after determining this Motion, as well as any Motions filed by Defendants, the Court issue an Order pursuant to Federal Rule of Civil Procedure 56(d) specifying what facts are not genuinely at issue and must therefore be treated as established.

The grounds for this Motion are set forth fully in Promega's Brief in Support of Motion for Summary Judgment, which is supported by Promega's Proposed Findings of

Fact, as well as the Declarations filed in support of the Motion for Summary Judgment and all other matters of record.

Dated this 2nd day of September, 2011.

Respectfully Submitted,

By: s/ James R. Troupis
James R. Troupis, SBN 1005341
Peter G. Carroll (admitted *pro hac vice*)
Stewart W. Karge (admitted *pro hac vice*)
Sarah E. Troupis, SBN 1061515
Troupis Law Office, LLC
8500 Greenway Blvd., Suite 200
Middleton, WI 53562
Ph: 608-807-4096
jrtroupis@troupislawoffice.com

Attorneys for Plaintiff